

UNITED STATES DISTRICT COURT

DISTRICT OF ALABAMA

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MONTGOMERY, ALABAMA 36101-0711

DEBRA P. HACKETT
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November 27, 2007

TELEPHONE
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Mr. Thomas K. Kahn, Clerk
USCA, Eleventh Circuit
56 Forsyth Street, NW
Atlanta, GA 30303

USDC No **CR-07-T-00004-N**

USCA No. **07-15020-A**

In Re: **USA VS. JONATHAN KEITH THOMAS**

CERTIFICATE OF READINESS OF RECORD ON APPEAL

Pursuant to Fed.R.App.P. 11(c) the Clerk of the District Court for the Middle District of Alabama hereby certifies that, as shown on the enclosed index, the record is complete for purposes of this appeal. The record (including the transcript(s) or parts thereof designated for inclusion and all necessary exhibits) consists of:

 1 Volume(s) of Pleadings

 2 Volume(s) of Transcripts

 Exhibits: Box: Binders: Envelopes;

 Other: X **SEAL Envelope (s) : 1 PSI(s)**

 Other:

Please acknowledge receipt on the enclosed copy of this letter.
Sincerely,

DEBRA P. HACKETT, Clerk

By: **Yolanda Williams**

cc: **DONNIE WAYNE BETHEL**
CHRISTINE A. FREEMAN
KENT B. BRUNSON
LEURA GARRETT CANARY

27BH, AG, APPEAL, CLOSED, MHT-ClerkB

U.S. District Court
Alabama Middle District (Montgomery)
CRIMINAL DOCKET FOR CASE #: 2:07-cr-00004-MHT-TFM All Defendants
Internal Use Only

Case title: USA v. Thomas

Date Filed: 01/17/2007

Date Terminated: 10/22/2007

Assigned to: Honorable Myron H.
Thompson
Referred to: Honorable Terry F. Moorer
Appeals court case number:
'07-15020-A' 'USCA'

Defendant

Jonathan Keith Thomas (1)
TERMINATED: 10/22/2007

represented by **Federal Defender**
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
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Fax: 834-0353
Email: ECFCMALM@fd.org
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Designation: Public Defender or
Community Defender Appointment

Donnie Wayne Bethel
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Email: don_bethel@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

Disposition

18:922(g)(1) UNLAWFUL
TRANSPORT OF FIREARMS, ETC. -
NMT \$250,000; {*}; NMT 10Y; B;
NMT 3Y SUP REL; G/L; VWPA;
\$100AF
(1-2)

DISMISSED ON GOVERNMENT'S
MOTION

18:922(g)(1) UNLAWFUL
TRANSPORT OF FIREARMS, ETC.-
NMT \$250,000; [*]; NMT 10Y; B;
NMT 3Y SUP REL; G-LNS; VWPA;
\$100 SA; FORFEITURE
(1s)

72 Mos Imp; 3 Yrs Sup Rel; \$100 SA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

BEGIN VOL. 1 .

Date Filed	#	Docket Text
01/17/2007	<u>1</u>	INDICTMENT as to Jonathan Keith Thomas (1) count(s) 1-2. (FORFEITURE ALLEGATION) (ws,) (Entered: 01/19/2007)
01/17/2007	<u>2</u>	* SEALED * Limits of Punishment as to Jonathan Keith Thomas: (ws,) (Entered: 01/19/2007)
01/19/2007	<u>3</u>	* SEALED * WARRANT Issued as to Jonathan Keith Thomas. (ws,) (Entered: 01/19/2007)
02/12/2007		Case unsealed as to Jonathan Keith Thomas (pursuant to USM's notice of arrest) (snc) (Entered: 02/12/2007)
02/12/2007		Arrest of Jonathan Keith Thomas (sql,) (Entered: 02/12/2007)
02/12/2007	<u>4</u>	CJA 23 Financial Affidavit by Jonathan Keith Thomas (sql,) (Entered: 02/12/2007)
02/12/2007		ORAL MOTION to Appoint Counsel by Jonathan Keith Thomas. (sql,) (Entered: 02/12/2007)
02/12/2007		ORDER (ORAL) granting <input type="checkbox"/> Oral Motion to Appoint Counsel: Appointed Federal Defender for Jonathan Keith Thomas as to Jonathan Keith Thomas (1). Signed by Judge Terry F. Moorer on 2/12/2007. (sql,) (Entered: 02/12/2007)
02/12/2007	<u>5</u>	Minute Entry for proceedings held before Judge Terry F. Moorer :Arraignment as to Jonathan Keith Thomas (1) Count 1-2 held on 2/12/2007, Initial Appearance as to Jonathan Keith Thomas held on 2/12/2007, Plea entered by Jonathan Keith Thomas (1) Count 1-2. by Jonathan Keith Thomas Not Guilty on counts 1, 2. (Recording Time 3:31 - 3:45 pm.) (sql,) (Entered: 02/12/2007)
02/12/2007	<u>6</u>	ORDER Setting Conditions of Release as to Jonathan Keith Thomas (1) \$25,000 non-surety . Signed by Judge Terry F. Moorer on 2/12/2007. (sql,) (Entered: 02/12/2007)
02/12/2007	<u>7</u>	Non-surety Bond Entered as to Jonathan Keith Thomas in amount of \$25,000, (sql,) (Entered: 02/12/2007)
02/13/2007	<u>8</u>	ORDER ON ARRAIGNMENT as to Jonathan Keith Thomas, incorporating ORDER TO CONTINUE - Ends of Justice setting Pretrial Conference for 5/14/2007 @ 11:00 AM in Courtroom 4A before Honorable Terry F. Moorer, setting Jury Selection & Trial for 6/4/2007 @ 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson, directing that Pretrial Motions are due two days before the pretrial

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		conference, and directing that government's initial disclosure is due before 2/12/07 with defendant's Discovery due by 2/22/2007. Signed by Judge Terry F. Moorer on 2/13/2007. (ag,) (Entered: 02/13/2007)
02/15/2007	<u>9</u>	Arrest Warrant Returned Executed in case as to Jonathan Keith Thomas. Defendant arrested on 2/12/2007. (ag,) (Entered: 02/15/2007)
02/16/2007	<u>10</u>	NOTICE OF ATTORNEY APPEARANCE: Donnie Wayne Bethel appearing for Jonathan Keith Thomas (Bethel, Donnie) (Entered: 02/16/2007)
03/21/2007	<u>11</u>	ORDER as to Jonathan Keith Thomas Pretrial Conference set for 5/14/2007 is hereby RE-SET for 4/2/2007 11:00 AM in Courtroom 4A before Honorable Terry F. Moorer.. Signed by Judge Terry F. Moorer on 3/21/2007. (sql,) (Entered: 03/21/2007)
04/02/2007	<u>12</u>	Minute Entry for proceedings held before Judge Terry F. Moorer :Pretrial Conference as to Jonathan Keith Thomas held on 4/2/2007 (PDF available for court use only) (Recording Time 11:06 - 11:09 am.) (sql,) (Entered: 04/02/2007)
04/02/2007	<u>13</u>	PRETRIAL CONFERENCE ORDER as to Jonathan Keith Thomas setting Jury Selection & Trial (ETT 2 days) for 6/4/2007 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson; Voir Dire due by 5/29/2007; Proposed Jury Instructions due by 5/29/2007; Motions in Limine due by 5/29/2007; Notice of Intent to Change Plea due by noon on 5/23/2007. Signed by Judge Terry F. Moorer on 4/2/2007. (ag,) (Entered: 04/02/2007)
04/25/2007		(Court only) ***Set/Clear Flags as to Jonathan Keith Thomas (ag,) (Entered: 04/25/2007)
05/15/2007	<u>14</u>	MOTION to Continue trial (<i>Unopposed</i>) by Jonathan Keith Thomas. (Bethel, Donnie) (Entered: 05/15/2007)
05/15/2007		(Court only) ***Set/Clear Flags as to Jonathan Keith Thomas (ag,) (Entered: 05/15/2007)
05/15/2007	<u>15</u>	ORDER as to Jonathan Keith Thomas denying 14 MOTION to Continue trial (<i>Unopposed</i>) filed by Jonathan Keith Thomas. Signed by Judge Myron H. Thompson on 5/15/2007. (ag,) (Entered: 05/15/2007)
05/16/2007	<u>16</u>	Proposed Jury Instructions by USA as to Jonathan Keith Thomas (Brunson, Kent) (Entered: 05/16/2007)
05/21/2007	<u>17</u>	NOTICE OF AVAILABILITY OF JURY LIST AND JURORS' PROFILES for Jury Selection and Trial commencing on June 4, 2007 before Judge Myron H. Thompson as to Jonathan Keith Thomas (Attachments: # <u>1</u> Juror Questionnaire Certification)(ag,) (Entered: 05/21/2007)
05/22/2007	<u>18</u>	NOTICE OF INTENT TO CHANGE PLEA by Jonathan Keith Thomas (Bethel, Donnie) (Entered: 05/22/2007)

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05/23/2007	19	FELONY INFORMATION as to Jonathan Keith Thomas (1) count(s) 1s (FORFEITURE ALLEGATION). (ag,) (Entered: 05/23/2007)
05/23/2007	20	Limits of Punishment as to Jonathan Keith Thomas. (ag,) (Entered: 05/23/2007)
05/24/2007	21	ORDER as to Jonathan Keith Thomas setting Change of Plea Hearing for 5/25/2007 @ 02:30 PM in Courtroom 4A before Honorable Terry F. Moorer, and directing the Clerk to provide a court reporter for this proceeding, if the defendant is in custody, the US Marshal shall arrange for the defendant's appearance at this proceeding. Signed by Judge Terry F. Moorer on 5/24/2007. (ag,) (Entered: 05/24/2007)
05/25/2007	22	WAIVER OF INDICTMENT by Jonathan Keith Thomas (sql,) (Entered: 05/25/2007)
05/25/2007	23	Consent to Enter Guilty Plea before U. S. Magistrate Judge as to Jonathan Keith Thomas (sql,) (Entered: 05/25/2007)
05/25/2007	24	PLEA AGREEMENT as to Jonathan Keith Thomas (sql,) (Entered: 05/25/2007)
05/25/2007	25	Minute Entry for proceedings held before Judge Terry F. Moorer :Consent Plea Hearing as to Jonathan Keith Thomas held on 5/25/2007 (PDF available for court use only), Plea entered by Jonathan Keith Thomas (1) Guilty on Count 1s. (PDF available for court use only) (Court Reporter Mitchell Reisner.) (sql,) (Entered: 05/25/2007)
05/29/2007		Terminate Deadlines and Hearings (Jury Selection & Trial 6/4) pursuant to consent plea (guilty) taken on 5/25 as to Jonathan Keith Thomas. (ag,) (Entered: 05/29/2007)
06/01/2007	26	ORDER as to Jonathan Keith Thomas: Sentencing set for 8/31/2007 @ 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson. Signed by Judge Myron H. Thompson on 6/1/2007. (ag,) (Entered: 06/01/2007)
07/13/2007	27	Petition (MOTION) to Revoke Bond for (Pretrial Release Supervision) and MOTION to Seal by USA as to Jonathan Keith Thomas. (ag,) Modified on 7/20/2007 to unseal pursuant to notice of arrest from USMS (ag,). (Entered: 07/13/2007)
07/16/2007	28	ORDER incorporated in petition directing issuance of a warrant for offender under pretrial release regarding 27 Sealed Motion as to Jonathan Keith Thomas (1). Signed by Judge Terry F. Moorer on 7/16/2007. (ag,) Modified on 7/20/2007 to unseal pursuant to notice of arrest from USMS (ag,). (Entered: 07/16/2007)
07/16/2007	29	*SEALED* WARRANT Issued as to Jonathan Keith Thomas. (ag,) (Entered: 07/16/2007)
07/19/2007		Arrest of Jonathan Keith Thomas (sql) (Entered: 07/20/2007)

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07/20/2007	<u>30</u>	Minute Entry for proceedings held before Judge Terry F. Moorer :Initial Appearance re Revocation of Pre-Trial Release as to Jonathan Keith Thomas held on 7/20/2007 (PDF available for court use only) (Recording Time 2:00 - 2:07 pm.) (sql,) (Entered: 07/20/2007)
07/23/2007	<u>31</u>	Minute Entry for proceedings held before Judge Wallace Capel Jr.:Bond Hearing as to Jonathan Keith Thomas held on 7/23/2007 (PDF available for court use only) (Recording Time FTR: 10:45 - 11:08.) (war,) (Entered: 07/23/2007)
07/24/2007	<u>32</u>	ORDER as to Jonathan Keith Thomas that the conditions of the defendant's release be modified as follows: 1. Defendant may be released to live with his Aunt in Montgomery, AL under house arrest after verification by the Probation Officer that said aunt will allow the defendant to stay at residence. 2. The Probation Office will supervise the defendant by electronic monitoring. 3. Defendant may not leave the premises of the aunt's resident without permission from the Court for anything except emergency medical appointment, to meet with his attorney or to meet with the probation officer . Signed by Judge Wallace Capel Jr. on 7/24/2007. (ag,) (Entered: 07/24/2007)
07/30/2007	<u>33</u>	ORDER as to Jonathan Keith Thomas that the Court's Order of July 24, 2007 is AMENDED as provided below. It is further Ordered that Defendant shall remain in custody of U.S. Marshall Service pending sentencing set before the Honorable Myron H. Thompson on 8/31/07. Any opposition to this Order shall be filed on or before 8/6/07, at which time the Court will set a hearing on the matter.. Signed by Judge Wallace Capel Jr. on 7/30/2007. (ag,) (Entered: 07/30/2007)
07/30/2007		(Court only) ***Motions terminated as to Jonathan Keith Thomas: <u>27</u> MOTION to Revoke Bond SEALED MOTION filed by USA pursuant to <u>33</u> Order. (ag,) (Entered: 08/13/2007)
08/20/2007	<u>34</u>	MOTION to Continue <i>Sentencing</i> by USA as to Jonathan Keith Thomas. (Brunson, Kent) (Entered: 08/20/2007)
08/20/2007	<u>35</u>	ORDER as to Jonathan Keith Thomas granting <u>34</u> MOTION to Continue <i>Sentencing</i> filed by USA. Sentencing now set for 8/31/07 is CONTINUED to 9/25/2007 at 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson. Signed by Judge Myron H. Thompson on 8/20/07. (ws) (Entered: 08/20/2007)
09/14/2007	<u>36</u>	(Ex Parte) EXPARTE MOTION <i>IN FORMA PAUPERIS FOR SUBPOENA</i> by Jonathan Keith Thomas. (Bethel, Donnie) (Entered: 09/14/2007)
09/14/2007	<u>37</u>	(Ex Parte) ORDER terminating <u>36</u> Exparte Motion as to Jonathan Keith Thomas and that the requested subpoena be issued. Signed by Judge Terry F. Moorer on 9/14/2007. (ag,) (Entered: 09/14/2007)

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09/25/2007	<u>38</u>	Minute Entry for Sentencing held (CONTINUED) before Judge Myron H. Thompson on 9/25/2007 as to Jonathan Keith Thomas for 1. (PDF available for court use only) (Court Reporter Mitchell Reisner.) (Attachments: # <u>1</u> Witness List) (ag,) Modified on 11/2/2007 to correct filing date to 9/25. (ag,). (Entered: 09/26/2007)
09/27/2007	<u>39</u>	ORDER as to Jonathan Keith Thomas: Sentencing (CONTINUATION) set for 10/17/2007 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson. Signed by Judge Myron H. Thompson on 9/27/2007. (ag,) (Entered: 09/27/2007)
10/17/2007	<u>41</u>	Minute Entry for Sentencing held before Judge Myron H. Thompson on 10/17/2007 as to Jonathan Keith Thomas. (PDF available for court use only) (Court Reporter Mitchell Reisner.) (Attachments: # <u>1</u> Witness List# <u>2</u> Defendant's Exhibit List) (ag,) Modified on 10/19/2007 to correct filing date (ag,). Modified on 11/2/2007 to correct filing date to 11/17.(ag,). (Entered: 10/19/2007)
10/19/2007	<u>40</u>	MOTION to Dismiss <i>Indictment</i> by USA as to Jonathan Keith Thomas. (Attachments: # <u>1</u>)(Brunson, Kent) (Entered: 10/19/2007)
10/22/2007	<u>42</u>	ORDER granting <u>40</u> Motion to Dismiss as to Jonathan Keith Thomas (1). Signed by Judge Myron H. Thompson on 10/22/2007. (ag,) Additional attachment(s) added on 10/22/2007 to add correct order (ag,). Modified on 10/22/2007 (ag,). (Entered: 10/22/2007)
10/22/2007	<u>43</u>	JUDGMENT as to Jonathan Keith Thomas (1), Count(s) 1s, 72 Mos Imp; 3 Yrs Sup Rel; \$100 SA. Signed by Judge Myron H. Thompson on 10/19/2007. (ag,) (Entered: 10/22/2007)
10/22/2007		(Court only) ***Set/Clear Flags as to Jonathan Keith Thomas (ag,) (Entered: 10/22/2007)
10/22/2007	<u>44</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Jonathan Keith Thomas (ag,) (Entered: 10/22/2007)
10/22/2007	<u>45</u>	NOTICE OF APPEAL by Jonathan Keith Thomas re <u>43</u> Judgment (Bethel, Donnie) (Entered: 10/22/2007)
10/22/2007		Transmission of Notice of Appeal and Certified copy of Docket Sheet and <u>43</u> JUDGMENT as to Jonathan Keith Thomas to US Court of Appeals re <u>45</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 10/22/2007)
10/26/2007	<u>48</u>	RECEIVED TRANSCRIPT REQUEST re <u>45</u> Notice of Appeal - Final Judgment from Donnie Bethel counsel for Jonathan Keith Thomas requesting the Sentencing proceedings held on 9/25/07 & 10/17/07 before Judge Myron H. Thompson, Mitchell Reisner. Copy to MR/CR (ydw,) (Entered: 11/05/2007)
10/31/2007	<u>46</u>	VOLUME 2 TRANSCRIPT of Sentencing Proceedings (PDF available for court use only) as to Jonathan Keith Thomas held on 9/25/2007 before Judge Myron Thompson. Court Reporter: Mitchell Reisner. (ag,) (Entered: 10/31/2007)

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10/31/2007	47	TRANSCRIPT Sentencing Proceedings (PDF available for court use only) as to Jonathan Keith Thomas held on 10/17/2007 before Judge Myron Thompson. Court Reporter: Mitchell Reisner. (ag,) (Entered: 10/31/2007)
11/02/2007	49	USCA Case Number as to Jonathan Keith Thomas 07-15020-A for 45 Notice of Appeal - Final Judgment filed by Jonathan Keith Thomas. (ydw,) (Entered: 11/06/2007)

END VOL. 1.